APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,170	12/30/2005	Hanno Syrbe	P2917US00	9281

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EXAMINER
CASCA, FRED A

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
04/27/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

	Application No.	Applicant(s)
Office Action Summary	10/539,170	SYRBE, HANNO
	Examiner	Art Unit	
	FRED A. CASCA	2617	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 January 2010</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-3 and 5-27</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-3 and 5-27</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   **Office Action Summary**   Part of Paper No./Mail Date 20100415

DETAILED ACTION

Withdrawing Finality after an appeal

1.   In view of the Appeal Brief filed on January 29, 2010, PROSECUTION IS HEREBY

REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following

two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37

CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an

appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee

can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have

been increased since they were previously paid, then appellant must pay the difference between

the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing

below:

/VINCENT P. HARPER/

Supervisory Patent Examiner, Art Unit 2617

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1-3, 7-8, 13-16, 19, 21, 23 and 27 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Veerasamy et al (US 2004/0203855) in view of Ramaswamy et al (US

5,627547).

        Referring to claim 1, Veerasamy discloses a method (Figures 1-4, abstract and Par. 7)

comprising a mobile terminal having a geographical position system (Par. 7 and 9 and 34,

"mobile station", "GPS") and a memory for containing the selected geographical positions (Par.

34 and 35, note that the mobile station determines its location and then the mobile station relays

the position information when service is restored. Thus, the mobile station must store the

location information in order to be able to relay it later), the method further comprising:

automatically obtaining or determining the current geographical position of the

mobile terminal using information received from the geographical position

system (Par. 34, "determine its position"); and storing the current geographical position in the

memory upon detection to store the current geographical position (Par. 34 and 35, note that the

mobile station determines its location and then the mobile station relays the position information

when service is restored. Thus, the mobile station must store the location information in order to

be able to relay it later).

        Veerasamy is silent on whether or not a <u>collection of selected geographical positions is</u>

<u>created using</u> a mobile terminal, the memory contains the <u>collection of selected geographical</u>

<u>positions,</u> storing in the memory is upon detection <u>of a input, and the mobile terminal has a</u>

plurality of operating modes including one recording mode in which a single key activation on the mobile terminal causes the current geographical position to be stored, in the format claimed.

Ramaswamy discloses creating a collection of selected geographical positions using a mobile terminal having a geographical position system (Figures 1 and 10, abstract, lines 2-5, and col. 12, lines 30-35) and a memory for containing the collection of selected geographical positions (col. 12, lines 30-35, "saved locations"), storing the current geographical position in the memory upon detection of a input to store the current geographical position (figure 10, and col. 12, lines 1-34, "where I am"); and the mobile terminal has a plurality of operating modes including one recording mode in which a single key activation on the mobile terminal causes the current geographical position to be stored (Figures 1 and 10 and col. 11, lines 19-28 and col.12, lines 1-35, note that pressing the "where I am" is equivalent to the single key activation).

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the invention of Veerasamy in the format claimed, for the purpose of eliminating recalculation of the same locations and also providing convenience for the user.

Referring to claim 2, the combination of Veerasamy/Ramaswamy discloses the method of claim 2, and further disclose adding an attribute to the stored geographical position (Veerasamy, Par. 12-14 and 34-36, "time").

Referring to claim 3, the combination of Veerasamy/Ramaswamy discloses a method according to claim 1, and further discloses the mobile terminal comprises at least one key and a

single key activation of the at least one key is used to store a present geographical position in the memory (Ramaswamy, figures 1 and 10 and col. 11, lines 19-28 and col.12, lines 1-35).

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the invention of Veerasamy in the format claimed, for the purpose of providing convenience for the users.

Referring to claim 7, the combination of Veerasamy/Ramaswamy discloses a method according to claim 1, and further disclose the mobile terminal is configured to communicate data to other terminals, comprising sending geographical positions stored in the memory to other terminals and/or receiving geographical positions form other terminals (Veerasamy, Par. 35 and Figures 103, "server 195").

Referring to claim 8, the combination of Veerasamy/Ramaswamy discloses a method according to claim 7, and further disclose the mobile terminal has an RF or IR receiver/transmitter, further comprising the step of sending and/or receiving geographical positions via an RF or IR based communication channel (Veerasamy, figures 1-3, Par. 34-36, "RF transceiver").

Referring to claim 13, the combination of Veerasamy/Ramaswamy discloses a method according to claim 1, and further disclose the attribute comprises a time and date stamp and/or a sound file, and/or an image file, and or a motion video file, and/or a text file (Veerasamy, Par. 12-14 and 34-35, 49-51"time", "map", note that a map is represented by an image file).

Referring to claim 14, Veerasamy discloses a mobile terminal (Figures 4-5, abstract and Par. 7) comprising: at least one processor for obtaining or determining a current geographical

position from information automatically received from a geographical position system in the mobile terminal (Figure 2 and Par. 34-36 and 41-42, "processor 240"), a memory for storing selected geographical position (Par. 34 and 36 and see rejection of claim 1 above), a user interface (Figure 2, "keypad 250", "display 255"), and a processor for storing the current geographical position in the memory (Figure 2, "main processor").

Veerasamy is silent on the geographical position being multiple positions and the storing being based upon a detection of a store input.

Ramaswamy discloses the geographical position being multiple positions (Col. 12, lines 21-35, "allows a user to save locations once visited") and the storing being based upon a detection of a store input (figures 1 and 10 and Col. 11, lines 19-26 and Col. 12, lines 14-35, "where I am").

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the invention of Veerasamy in the format claimed, for the purpose of eliminating recalculation of the same locations and also providing convenience for the user.

Referring to claim 15, claim 15 is analogous to the features of claim 2, thus it is rejected for the same reasons as set forth above in the rejection of claim 2.

Referring to claim 16, claim 16 is analogous to the features of claim 3, thus it is rejected for the same reasons as set forth above in the rejection of claim 3.

Referring to claim 19, claim 19 is analogous to the features of claim 8, thus it is rejected for the same reasons as set forth above in the rejection of claim 8.

Referring to claim 21, the combination of Veerasamy/Ramaswamy discloses a mobile terminal according to claim 14, and inherently discloses the processor for storing a current geographical position in the memory upon a user input executes instructions of a software application on the mobile terminal (Figures 2, 4, and 5, and Par. 34-36, and 41-43, and Ramaswamy, figures 1 and 10 and col. 12, lines 1-34).

Referring to claim 23, claim 23 recites features analogous to the features of claim 1. Thus, it is rejected for the same reason as set forth above in the rejection of claim 1.

Referring to claim 27, the combination of Veerasamy/Ramaswamy discloses the mobile terminal of claim 14 and further discloses the mobile terminal is a hand portable phone (Veerasamy, Par. 37, "PDA").

4.   Claim 5-6, 9-12, 17-18, 20, 22 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veerasamy et al (US 2004/0203855) in view of Ramaswamy et al (US 5,627547) and further in view of well known prior art (MPEP 2144.03).

Referring to claim 5, the combination of Veerasamy/Ramaswamy discloses a method according to claim 1 and further disclose at least one processor to perform mathematical operations on the collection of geographical positions (abstract, Fig. 4, par. 2, lines 55-60, "processor", note determining the geographical position via GPS inherently includes mathematical operations).

The above combination is silent on performing statistical and/or probability analysis on the collection of geographical positions.

However, the examiner takes official notice of the fact that using a statistical model for determining location of a mobile device is well known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the above combination in the format claimed, for the purpose of providing an efficient communication system.

Referring to claim 6, the combination of Veerasamy/Ramaswamy and well-known art disclose a method according to claim 5.

The combination of Veerasamy/Ramaswamy is silent on the analysis comprises analysis of area related density of geographical positions, selectively within geographical positions with a given attribute or with attributes within a given group.

However, the examiner takes official notice of the fact that analysis of area related density of geographical positions, selectively within geographical positions with a given attribute or with attributes within a given group is well known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the above combination in the format claimed, for the purpose of providing an efficient communication system.

Referring to claim 9, the combination of Veerasamy/Ramaswamy discloses a method according to claim 8, and further disclose the mobile terminal is a mobile phone or a communicator for use in a wireless cellular communication network (Veerasamy, figures 1-4).

The above combination is silent on the step of sending a text message including at least one geographical position from the memory, preferably including any associated attribute of the geographical position concerned, to one or more remote terminals.

The examiner takes official notice of the fact that sending a text message including at least one geographical position from the memory, preferably including any associated attribute of the geographical position concerned, to one or more remote terminals is well known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the above combination in the format claimed, for the purpose of providing an efficient communication system.

Referring to claim 10, the combination of Veerasamy/Ramaswamy and well-known art discloses a method according to claim 9, wherein said one or more remote terminals are mobile phones or communicators, and one of the mobile phones or communicators functions as a server with a database of geographical positions (Veerasamy, figures 1-4).

Referring to claim 11, the combination of Veerasamy/Ramaswamy and well-known art discloses a method according to claim 10, and further disclose a server having a database containing geographical positions received from remote terminals is connected to the cellular network (Veerasamy, figures 1-4).

Referring to claim 12, the combination of Veerasamy/Ramaswamy and well-known art discloses a method according to claim 5, and further disclose generating a map for illustrating the result of the statistical and/or probability analysis, by generating and displaying a map of an area with a given density or density range of geographical positions with a given attribute or with attributes within a given group (Veerasamy, Par. 35, "map of the coverage area").

Referring to claim 17, claim 17 is analogous to the features of claim 5, thus it is rejected for the same reasons as set forth above in the rejection of claim 5.

Referring to claim 18, the combination of Veerasamy/Ramaswamy discloses a mobile terminal   according   to   claim   17,   and   further   discloses comprising a display and wherein the at least one processor is further configured to generate and display a map with selected stored geographical positions from the memory on the display (Veerasamy, figure 2 and par. 43).

Referring to claim 20, claim 20 is analogous to the features of claim 9, thus it is rejected for the same reasons as set forth above in the rejection of claim 9.

Referring to claim 22, claim 22 is analogous to the features of claim 12, thus it is rejected for the same reasons as set forth above in the rejection of claim 12.

Referring to claim 24, combination of Veerasamy/Ramaswamy discloses method of claim 1 and further disclose, after the current geographical position is stored, automatically assigning at least one position attribute to the stored geographical location upon detection of single key depression of a key associated with the prompt (Veerasamy, Par. 12-14 and 34-36,

"time", Ramaswamy, figure 10, and col. 12, lines 1-34, lines 30-35, "saved locations", "where I am").

The above combination is silent on automatically providing a prompt to assign a name and category to the stored geographical location as claimed.

The examiner takes official notice of the fact that automatically providing a prompt to assign a name and category to the stored element, e.g., geographical location, is well known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the above combination in the format claimed, for the purpose of providing an efficient communication system.

Referring to claim 25, the combination of Veerasamy/Ramaswamy and well-known art discloses the method of claim 24 and further disclose the at least one position attribute comprises at least one of a source of geographical position data, coordinates, date, time or phone number (Veerasamy, figure 2 and par. 36, and Ramaswamy, col. 7, lines 48-67, GPS, note that GPS inherently includes coordinate position information).

Referring to claim 26, the combination of Veerasamy/Ramaswamy and well-known art discloses the method of claim 24.

The above combination is silent on providing a prompt for entry of a name for the stored geographical location and a category or subcategory of the stored geographical location, as claimed.

The examiner takes official notice of the fact that providing a prompt for entry of a name for the stored geographical location and a category or subcategory of the stored geographical location, is well known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the above combination in the format claimed, for the purpose of providing an efficient communication system.

Response to Arguments

5.   Applicant's arguments with respect to claims 1-3 and 5-27 have been considered but they are moot in view of new grounds of rejection.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reference Touney (US 2003/0065442) discloses a method for using statistical information for determining location of mobile terminal.

References Foust (US 6240369), Attimont (US 7149518) and Zhao (US 6553225) disclose an analysis of area related density of geographical locations.

References LaBlanc (US 6236365), Karr (US 6952181) and Rennard (US 6405123) disclose sending location information from memory via text message.

References Diament (US 5905498) and Shur (US 5636920) disclose prompting a user to assign a name and category.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Harper, can be reached at (571) 272-7605. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/FRED CASCA/

Patent Examiner, Art Unit 2617

/VINCENT P. HARPER/

Supervisory Patent Examiner, Art Unit 2617